

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FRANCIS T. KHUONG, et al., §
§
Plaintiffs, §
§
v. § CIVIL ACTION NO. 4:23-CV-00684-
§ SDJ-AGD
WILMINGTON SAVINGS FUND §
SOCIETY FSB, §
§
Defendant. §

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge (“Report”), this matter having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On November 14, 2024, the Report of the Magistrate Judge, (Dkt. #33), was entered containing proposed findings of fact and recommendation that Defendant’s Rule 12(c) Dismissal Motion (Dkt. #19), construed as a Rule 12(b)(6) motion to dismiss, be granted and that Plaintiffs’ case be dismissed as moot, without prejudice. The Report further recommended that any other request for relief not addressed by the Report be denied as moot.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s Report as the findings and conclusions of the Court.

It is therefore **ORDERED** Defendant's Rule 12(c) Dismissal Motion (Dkt. #19), construed as a Rule 12(b)(6) motion to dismiss, is **GRANTED** and that Plaintiffs' case is **DISMISSED as moot, without prejudice.**

It is further **ORDERED** that any request for relief not addressed by the Report (Dkt. #33) is **DENIED as moot.**

So ORDERED and SIGNED this 27th day of December, 2024.



SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE